



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2694

Introduced 1/28/2014, by Sen. Michael E. Hastings - Toi W. Hutchinson

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-23  
815 ILCS 505/2RRR new

Amends the Criminal Code of 2012. Provides that a person who knowingly places, posts, or reproduces on the Internet a photograph, video, or digital image of a person in a state of nudity, in a state of sexual excitement, or engaged in any act of sexual conduct or sexual penetration, without the knowledge and consent of that person, is guilty of a Class 4 felony. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice for any person engaged in placing, posting, publishing, reproducing, or maintaining an Internet site to solicit or accept the payment of a fee or other consideration for removal of a person's private material or identifying information, which has been placed, posted, published, reproduced, or maintained on an Internet site without knowledge and consent of that person.

LRB098 17939 RLC 53063 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning posting of information on an Internet  
2 site.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Criminal Code of 2012 is amended by changing  
6 Section 11-23 as follows:

7 (720 ILCS 5/11-23)

8 Sec. 11-23. Posting of identifying or graphic information  
9 on a pornographic Internet site or possessing graphic  
10 information with pornographic material; posting private  
11 material for pornographic purposes.

12 (a) A person at least 17 years of age who knowingly  
13 discloses on an adult obscenity or child pornography Internet  
14 site the name, address, telephone number, or e-mail address of  
15 a person under 17 years of age at the time of the commission of  
16 the offense or of a person at least 17 years of age without the  
17 consent of the person at least 17 years of age is guilty of  
18 posting of identifying information on a pornographic Internet  
19 site.

20 (a-5) Any person who knowingly places, posts, reproduces,  
21 or maintains on an adult obscenity or child pornography  
22 Internet site a photograph, video, or digital image of a person  
23 under 18 years of age that is not child pornography under

1 Section 11-20.1, without the knowledge and consent of the  
2 person under 18 years of age, is guilty of posting of graphic  
3 information on a pornographic Internet site. This provision  
4 applies even if the person under 18 years of age is fully or  
5 properly clothed in the photograph, video, or digital image.

6 (a-10) Any person who knowingly places, posts, reproduces,  
7 or maintains on an adult obscenity or child pornography  
8 Internet site, or possesses with obscene or child pornographic  
9 material a photograph, video, or digital image of a person  
10 under 18 years of age in which the child is posed in a  
11 suggestive manner with the focus or concentration of the image  
12 on the child's clothed genitals, clothed pubic area, clothed  
13 buttocks area, or if the child is female, the breast exposed  
14 through transparent clothing, and the photograph, video, or  
15 digital image is not child pornography under Section 11-20.1,  
16 is guilty of posting of graphic information on a pornographic  
17 Internet site or possessing graphic information with  
18 pornographic material.

19 (a-15) A person who knowingly places, posts, or reproduces  
20 on an Internet site a photograph, video, or digital image of a  
21 person in a state of nudity, in a state of sexual excitement,  
22 or engaged in any act of sexual conduct or sexual penetration,  
23 without the knowledge and consent of that person, is guilty of  
24 posting private material for pornographic purposes.

25 (b) Sentence. A person who violates subsection (a) of this  
26 Section is guilty of a Class 4 felony if the victim is at least

1 17 years of age at the time of the offense and a Class 3 felony  
2 if the victim is under 17 years of age at the time of the  
3 offense. A person who violates subsection (a-5) or (a-15) of  
4 this Section is guilty of a Class 4 felony. A person who  
5 violates subsection (a-10) of this Section is guilty of a Class  
6 3 felony.

7 (c) Definitions. For purposes of this Section:

8 (1) "Adult obscenity or child pornography Internet  
9 site" means a site on the Internet that contains material  
10 that is obscene as defined in Section 11-20 of this Code or  
11 that is child pornography as defined in Section 11-20.1 of  
12 this Code.

13 (2) "Internet" has the meaning set forth in Section  
14 16-0.1 of this Code.

15 (3) "Sexual conduct" means an act of masturbation,  
16 sexual intercourse, or physical contact with a person's  
17 clothed or unclothed genitals, pubic area, buttocks or, if  
18 the person is a female, breast.

19 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

20 Section 10. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by adding Section 2RRR as follows:

22 (815 ILCS 505/2RRR new)

23 Sec. 2RRR. Removal of private material and identifying  
24 information.

1       (a) It is an unlawful practice for any person engaged in  
2 placing, posting, publishing, reproducing, or maintaining an  
3 Internet site to solicit or accept the payment of a fee or  
4 other consideration for removal of a person's private material  
5 or identifying information, which has been placed, posted,  
6 published, reproduced, or maintained on an Internet site  
7 without knowledge and consent of that person.

8       (b) As used in this Section:

9           (1) "Private material" means any photograph, video, or  
10 digital image of a person in a state of nudity, in a state  
11 of sexual excitement, or engaged in any act of sexual  
12 conduct or sexual penetration.

13           (2) "Identifying information" means name, address,  
14 telephone number, or e-mail address of a person that has  
15 been placed on an Internet site in violation of Section  
16 11-23 of the Criminal Code of 2012.